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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHRISTINA GRAHAM, individually and as a
representative of the classes,

Plaintiff,

v.

MICHAELS STORES, INC.,

Defendant.

Civil Action No. 2:14-cv-7563-KM-SCM

MOTION DATE: MARCH 2, 2015

[ORAL ARGUMENT REQUESTED]

**NOTICE OF MOTION OF
DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Defendant's Memorandum of Law in Support of Its Motion to Dismiss Plaintiff's Complaint; Declaration of Doug Marker, with Exhibits A through C; Certification of Robert T. Szyba, Esq., with Exhibit 1; Compendium

of Unreported Cases; and the Proposed Order Granting Defendant's Motion to Dismiss Plaintiff's Complaint, and upon all prior pleadings and proceedings herein, Defendant, Michaels Stores, Inc. ("Michaels" or "Defendant"), by and through its attorneys Seyfarth Shaw LLP and Robinson, Wettre & Miller LLC, will move this Court, pursuant to Federal Rule Civil Procedure 12(b), on March 2, 2015, at a time to be determined by the Court, before the Honorable Kevin McNulty, U.S.D.J, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order dismissing Plaintiff's Complaint, with prejudice.

DATED: January 30, 2015

Respectfully submitted,

By: /s/ Robert T. Szyba

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2015, I caused the electronic submission of the foregoing DEFENDANT'S BRIEF IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S COMPLAINT; DECLARATION OF DOUG MARKER, WITH EXHIBITS A THROUGH C; CERTIFICATION OF ROBERT T. SZYBA, ESQ., WITH EXHIBIT 1; AND COMPENDIUM OF UNREPORTED DECISIONS CITED IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S COMPLAINT, to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following counsel of record for Plaintiff Christina Graham:

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s/Robert T. Szyba
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